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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/627,915	YOSHIMURA ET AL.
	Examiner	Art Unit	
	MICHAEL D. PHAM	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 March 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,7,8,14-16 and 21-24</u> is/are pending in the application.

    4a) Of the above claim(s) <u>15</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,7,8,14, 16 and 21-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>2/11/08</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicant's election with traverse of claim 1, 7, 8, 14-16, and 21-24 in the reply filed on

3/27/08 is acknowledged. The traversal is on the ground(s) that claims 1, 7, 8, 14-16, and 21-24

is sufficiently related, and that any one group of claims would encompass a search for the subject

matter of the remaining claims. This is not found persuasive because restriction is proper if

related inventions are distinct. Even though inventions are related, if they are distinct there is a

basis for restriction. Serious burden would exist if restriction were not required. Claim 15 while

related, is distinct because it is directed towards a client apparatus used to rearrange an order of

items based on magnitudes of values of the attribute item, this results in separately employing

different search queries than the remaining claims.

        The requirement is still deemed proper and is therefore made FINAL.

Status of claims

2.   Claims 1, 7, 8, 14, 16, and 21-24 are pending.

3.   Claims 1, 7, 8, 14, 16, and 21-24   have been examined.

4. Claim 15 has been withdrawn from consideration.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

    (a) A patent may not be obtained though the invention is not identically disclosed or
    described as set forth in section 102 of this title, if the differences between the subject
    matter sought to be patented and the prior art are such that the subject matter as a whole

would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1, 8, 16, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over US Patent Application Publication 2002/0051178 by Nakayasu et. al. (hereafter

Nakayasu) further in view of U.S. Patent Application Publication 2002/0075509 by

Wiechers (hereafter Wiechers).

<u>Claim 1:</u>

Nakayasu discloses the following claimed limitations:

"a retrieval unit that sets a retrieval condition according to the request from the client and

performs a first retrieval over the network for at least one of a print service and a scan service

based upon the set retrieval condition;"[0047, a print request and location information are

communicated to service provider 5 via a cellular telephone carrier and service provider 4. 0054,

service provider 5 receives the selected printer, print conditions, and print information. 0055,

service provider 5 sends the specified print contents to a printer at the specified store by way of

the internet and connection provider 7.   Accordingly, a retrieval unit (service provider) that sets

a retrieval condition (receives the selected printer, print contents, and print information)

according to the request (request) from the client (client) and performs a first retrieval over the

network for at least one of a print service (sends the specified print contents to a printer at the

specified store by way of the internet) and a scan service based upon the set retrieval condition

(selected printer).]

"the geographical area being an area in which a server providing a service is located"[figure 13,locations of the nearest printing agent stores. Accordingly, the geographical area being an area (location) in which a server (printing agent stores) providing a service is located (location)]

"the geographic area being an area in which a server providing a service is located, and the retrieval unit performs the second retrieval."[figure 1 and figure 13. the geographic area being an area in which a server providing a service is located (figure 13), and the retrieval unit performs the second retrieval (figure 14, step S33)]

Nakayasu does not explicitly disclose:

"a retrieval result judgment unit that judges whether or not a result of the first retrieval satisfies judgment criteria set in advance; and" [a retrieval result judgment unit ()that judges whether or not a result of the first retrieval satisfies judgment criteria set in advance]

"a retrieval result output unit that outputs the result which is judged to satisfy the judgment criteria, wherein

"when it is judged that a number of one or more services included in the result of the first retrieval that has not reached a lower limit number set as the judgment criteria," "the retrieval unit changes a geographic area which is to be searched to be wider to perform a second retrieval,"

On the other hand, Wiechers discloses:

"a retrieval result judgment unit that judges whether or not a result of the first retrieval satisfies judgment criteria set in advance; and" [a retrieval result judgment unit (figure 3) that judges whether or not a result of the first retrieval satisfies judgment criteria set in advance (figure 3 element 235)]

"a retrieval result output unit that outputs the result which is judged to satisfy the judgment criteria," [figure 3 element 230]

"wherein when it is judged that a number of one or more services included in the result of the first retrieval that has not reached a lower limit number set as the judgment criteria,"[figure 3 element 235, not within user's parameters] "the retrieval unit changes a geographic area which is to be searched to be wider to perform a second retrieval," [determine geographically nearest candidate]

Both Nakayasu and Wiechers are within Applicant's field of endeavor, namely searching for a print service. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Wiecher's disclosure above to the system of Nakayasu for the purpose of providing the minimum distance network printer with particular services.

Claim 8:

Nakayasu discloses the following claimed limitations:

"a service information database that stores service information including address information and installation position information of the server and attribute information of at

least one of a print service and a scan service provided by the server;"[a service information

database (figure 1 element 3) that stores service information (stores, 0051, 0052) including

address information (zip code, 0051) and installation position information of the server

(longitude/latitude, 0051) and attribute information of at least one of a print service (printing

fees, 0052) and a scan service provided by the server (printer, 0052)]

"a service retrieval apparatus database that, when the network is divided into a plurality

of sub-networks, stores address information and installation position information of a service

retrieval apparatus with each sub-network included in a retrieval range;"[a service retrieval

apparatus database that (figure 1 element 3), when the network is divided into a plurality of sub-

networks (0051printer sites), stores address information (zip code, 0051, 0052) and installation

position information (longitude/latitude, 0051) of a service retrieval apparatus with each sub-

network included in a retrieval range (0052, selects top three printers closest to the location)]

"a retrieval range setting unit that, by retrieving the service retrieval apparatus database

based upon inputted retrieval conditions, specifies one or more service retrieval apparatuses

conforming to the retrieval conditions and sets sub-networks, which correspond to the specified

service retrieval apparatuses, as a retrieval range for the request;"[0047, a print request and

location information are communicated to service provider 5 via a cellular telephone carrier and

service provider 4. 0054, service provider 5 receives the selected printer, print conditions, and

print information. 0055, service provider 5 sends the specified print contents to a printer at the

specified store by way of the internet and connection provider 7.   Accordingly, a retrieval range

setting unit (0047, location information communicated) that, by retrieving the service retrieval

apparatus database based upon inputted retrieval conditions (0051, near by printer information is

sent, 0052-0053), specifies one or more service retrieval apparatuses conforming to the retrieval

conditions (0052, selects top three printers closest to location) and sets sub-networks (zip-code,

0051), which correspond to the specified service retrieval apparatuses (figure 1, connection

service provider), as a retrieval range for the request (0052, top 3)]

   "a retrieval unit that executes a first retrieval over the network for a service according to

the set retrieval range for the request;"[0054, service provider receives the selected printer, print

contents, and print information. 0055, service provider sends the specified print contents to a

printer at the specified store by way of internet and connection provider. Accordingly, a retrieval

unit (service provider)that executes a first retrieval over the network for a service (print contents

obtained and sent to printer) according to the set retrieval range for the request (selected printer)]

   "the geographic area being an area in which a server providing a service is located, and

the retrieval unit performs the second"[figure 14 and figure 13. the geographic area being an

area in which a server providing a service is located (figure 13), and the retrieval unit performs

the second retrieval (figure 14, step S33)]]

   Nakayasu does not explicitly disclose:

   "a retrieval result judgment unit that judges whether or not a result of the first retrieval

satisfies judgment criteria set in advance; and"

   "a retrieval result output unit that outputs the result which is judged to satisfy the

judgment criteria, wherein when it is judged that a number of one or more services included in

the result of the first retrieval does not reach a lower limit number set as the judgment criteria,

the retrieval unit changes a geographic area which is to be searched to be wider to perform a second retrieval."

On the other hand, Wiechers discloses:

"a retrieval result judgment unit that judges whether or not a result of the first retrieval satisfies judgment criteria set in advance; and" [a retrieval result judgment unit (figure 3) that judges whether or not a result of the first retrieval satisfies judgment criteria set in advance (figure 3 element 235)]

"a retrieval result output unit that outputs the result which is judged to satisfy the judgment criteria," [figure 3 element 230]

"wherein when it is judged that a number of one or more services included in the result of the first retrieval that has not reached a lower limit number set as the judgment criteria,"[figure 3 element 235, not within user's parameters] "the retrieval unit changes a geographic area which is to be searched to be wider to perform a second retrieval," [determine geographically nearest candidate]

Both Nakayasu and Wiechers are within Applicant's field of endeavor, namely searching for a print service. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Wiecher's disclosure above to the system of Nakayasu for the purpose of providing the minimum distance network printer with particular services.

Claim 16:

Nakayasu discloses the following claimed limitations:

"setting a retrieval condition in response to a request of the client;"[0047, location

information communicated to service provider. Accordingly, setting a retrieval condition

(location information) in response to a request of the client (print request)]

"performing a first retrieval over the network for at least one of a print service and a scan

service based upon the retrieval condition;"[0054, service provider receives the selected printer,

printer content, and print information. 0055, the print contents are obtained and this iis sent to

the printer. Accordingly, performing a first retrieval over the network for at least one of a print

service (print contents obtained and this is sent to the printer) and a scan service based upon the

retrieval condition (print request).]

"the geographic area being an area in which a server providing a service is located."

[figure 14 and figure 13. the geographic area being an area in which a server providing a service

is located (figure 13), and the retrieval unit performs the second retrieval (figure 14, step S33)]]

Nakayasu does not explicitly disclose:

"judging whether or not a result of the first retrieval satisfies judgment criteria

set in advance;"

"returning the result of the retrieval which is judged to satisfy the judgment criteria to the

client; and"

"when it is judged that a number of one or more services included in the result of the first retrieval does not reach a lower limit number set as the judgment criteria, changing a geographic area which is to be searched to be wider to perform a second retrieval"

On the other hand, Wiechers discloses:

"judging whether or not a result of the first retrieval satisfies judgment criteria set in advance; and" [judging (figure 3) whether or not a result of the first retrieval satisfies judgment criteria set in advance (figure 3 element 235)]

""returning the result of the retrieval which is judged to satisfy the judgment criteria to the client," [figure 3 element 230]

"when it is judged that a number of one or more services included in the result of the first retrieval does not reach a lower limit number set as the judgment criteria,"[figure 3 element 235, not within user's parameters] "changing a geographic area which is to be searched to be wider to perform a second retrieval," [figure 3, determine geographically nearest candidate]

Both Nakayasu and Wiechers are within Applicant's field of endeavor, namely searching for a print service. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Wiecher's disclosure above to the system of Nakayasu for the purpose of providing the minimum distance network printer with particular services.

Claim 22:

Nakayasu discloses the following claimed limitations:

"a retrieval unit that sets a retrieval condition with respect to a retrieval range according to the search request from the client and performs a first retrieval for at least one of a print service and a scan service based upon the set retrieval condition, the retrieval range indicating a sub-network of the network subjected to the first retrieval;"[0047, a print request and location information are communicated to service provider 5 via a cellular telephone carrier and service provider 4. 0054, service provider 5 receives the selected printer, print conditions, and print information. 0055, service provider 5 sends the specified print contents to a printer at the specified store by way of the internet and connection provider 7. Accordingly, a retrieval unit that sets a retrieval condition (location information communicated to service provider)with respect to a retrieval range (selected printer) according to the search request from the client (request) and performs a first retrieval for at least one of a print service (send print contents to printer)and a scan service based upon the set retrieval condition (selected printer), the retrieval range indicating a sub-network of the network subjected to the first retrieval (location information)]

"the geographic area being an area in which a server providing a service is located, and the retrieval unit performs the second retrieval" [figure 14 and figure 13. the geographic area being an area in which a server providing a service is located (figure 13), and the retrieval unit performs the second retrieval (figure 14, step S33)]]

Nakayasu does not explicitly disclose

"a retrieval result judgment unit that judges whether or not a result of the first retrieval satisfies judgment criteria set in advance; and"

"a retrieval result output unit that outputs the result which is judged to satisfy the judgment criteria, wherein when it is judged that a number of one or more services included in the result of the first retrieval has not reached a lower limit number set as the judgment criteria, the retrieval unit changes a geographic area which is to be searched to be wider to perform a second retrieval,."

Claim 23:

Nakayasu discloses "if the search request from the client includes neither the retrieval range nor a retrieval target area, the retrieval unit judges whether or not a service to be retrieved is a service for which a geographical condition is important, and if the service to be retrieved is the service for which the geographical condition is judged to be important, the retrieval unit sets an area which is geographic vicinity as the retrieval range of the first retrieval."[figure 14 steps s33 and s34]

Claim 24:

Nakayasu discloses "wherein the retrieval unit defines a circle with latitude and longitude coordinates of its own installation place as a center and a predetermined value as a radius, and retrieves the service whose latitude and longitude coordinates are included inside the circle."[figure 13]

7.   **Claims 7, 14, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over US**
Patent Application Publication 2002/0051178 by Nakayasu et. al. (hereafter Nakayasu) and
U.S. Patent Application Publication 2002/0075509 by Wiechers (hereafter Wiechers)
further in view of US Patent 7085763 by Ochiai et. al. (hereafter Ochiai).

<u>Claim 7:</u>

Nakayasu and Wiechers do not explicitly disclose "a reply unit that rearranges the result
of the retrieval based upon values with respect to attribute items included in the retrieval
condition, and then returns the result of the retrieval to said client" alone.

Ochiai discloses a reply unit (figure 16) that rearranges the result of the retrieval (col. 12
lines 28-34) based upon values with respect to attribute items (attribute) included in the retrieval
condition (col. 12 lines 22-24, attributes to be searched is obtained from a search condition), and
then returns the result of the retrieval to said client (col. 12 lines 20-21, search-result displaying
operations of a search client).

Nakayasu, Wiechers, and Ochiai are all within the same field of endeavor as applicant's
invention. It would have been obvious to a person of an ordinary skill in the art at the time the
invention was made to have applied Ochiai's disclosure above to the combination of Nakayasu
and Wiechers for the purpose of providing the results of devices that are arranged starting with a
device having the most matched attributes first in a display to client.

<u>Claim 14:</u>

Hattori and Okuda do not explicitly disclose "a reply unit that rearranges the result of the retrieval based upon values with respect to attribute items included in the retrieval condition, and then returns the result of the retrieval to said client" alone.

Ochiai discloses a reply unit (figure 16) that rearranges the result of the retrieval (col. 12 lines 28-34) based upon values with respect to attribute items (attribute) included in the retrieval condition (col. 12 lines 22-24, attributes to be searched is obtained from a search condition), and then returns the result of the retrieval to said client (col. 12 lines 20-21, search-result displaying operations of a search client).

Nakayasu, Wiechers, and Ochiai are all within the same field of endeavor as applicant's invention. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Ochiai's disclosure above to the combination of Nakayasu and Wiechers for the purpose of providing the results of devices that are arranged starting with a device having the most matched attributes first in a display to client.

Claim 21:

Hattori and Okuda do not explicitly disclose "rearranging the result of the retrieval with respect to attribute items included in the retrieval condition, and returning the rearranged result of the retrieval to the client" alone.

Ochiai discloses a reply unit (figure 16) that rearranges the result of the retrieval (col. 12 lines 28-34) based upon values with respect to attribute items (attribute) included in the retrieval condition (col. 12 lines 22-24, attributes to be searched is obtained from a search condition), and then returns the result of the retrieval to said client (col. 12 lines 20-21, search-result displaying operations of a search client).

Nakayasu, Wiechers, and Ochiai are all within the same field of endeavor as applicant's invention. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have applied Ochiai's disclosure above to the combination of Nakayasu and Wiechers for the purpose of providing the results of devices that are arranged starting with a device having the most matched attributes first in a display to client.

Response to Arguments

8.　　Applicant's arguments with respect to claims 1, 7-8, 14, 15, 16, 21-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9.   The prior art made of record listed on PTO-892 and not relied, if any, upon is considered

pertinent to applicant's disclosure.

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Contact Information

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924.

The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. D. P./   /John R. Cottingham/
Examiner, Art Unit 2167   Supervisory Patent Examiner, Art Unit
                                                     2167